

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MERCHANT CONSULTING GROUP, INC.,  
Plaintiff,

v.

CIVIL ACTION NO. 17-11405-PBS

BECKPAT, LLC d/b/a PERFORMANCE  
MERCHANT ALLIANCE a/k/a MCG;  
NEPTUNE PARTNERS, LLC d/b/a PERFORMANCE  
MERCHANT ALLIANCE a/k/a MCG;  
BILLYGOAT LLC d/b/a MCG,  
Defendants.

REPORT AND RECOMMENDATION ON  
MOTION FOR CONTEMPT (#36).

KELLEY, U.S.M.J.

This is a Lanham Act case seeking damages caused by defendants' alleged misuse of plaintiff's trademarks. Pursuing discovery, plaintiff Merchant Consulting Group, Inc. (MCG) caused a subpoena duces tecum to be served on the Keeper of Records of a third party, Blue Square Resolutions, LLC (Blue Square), in Scottsdale, Arizona. MCG attests, upon information and belief, that Blue Square has documents responsive to the subpoena within its possession, custody and control. (#36 at 3.) Following numerous attempts by plaintiff to make contact and establish a dialogue with Blue Square (#41-2 ¶¶ 3-5), Blue Square yet failed to respond to the subpoena duces tecum, and MCG filed a motion for contempt pursuant to Federal Rules of Civil Procedure 45(g). (#36.) As redress, MCG requests that Blue Square be found in contempt for not responding to the

8/1/18  
The Court  
adopts the report  
and recommendation.  
I remand to the  
magistrate judge  
for contempt  
proceedings if necessary.  
Pain & Sir